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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,628	06/08/2001	Barry H. Schwab	VID-01802/29	9359

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EXAMINER

CHAWAN, VIJAY B

ART UNIT PAPER NUMBER

2626

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/877,628

Applicant(s)

SCHWAB ET AL.

Examiner

Vijay B. Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis et al (5,802,314) in view of Gasper (5,111,409).

As per claim 1, Tullis et al., teach a method of enhancing an electronic communication, comprising the steps of:

transmitting and receiving a message or file having a content (Col.2,lines 51-60);  
and,  
storing, at the location of a recipient, enhancement information (Col.16, lines 61-65).

Tullis et al., while teaching storing, at the location of a recipient, enhancement information, do not specifically teach storing, at the location of a recipient, enhancement information enabling the recipient to visualize the sender (Col.16, lines 61-65). Gasper et al., do teach storing audio information as well as video information (Fig.1). Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention to

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store the image information as taught by Gasper et al., in the method of transmitting audio information of Tullis et al., would advantageously store at the location of the recipient audio message along with the corresponding video information, because this would enable the recipient to recall at a future date the message according to user's preference.

3. Claims 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis et al (5,802,314) in view of Spies (6,035,273).

Tullis et al., according to claims 5 and 6, teach a method of enhancing an electronic communication, comprising the steps of:

transmitting and receiving a message or file having a content (Col.2, lines 51-60);  
and,

storing, at the location of a recipient, enhancement information (Col.16, lines 61-65). However, Tullis et al., do not specifically teach the method of claims 5 and 6, wherein the enhancement information enables the recipient to visualize the sender or listen to the content of a message. Spies teaches the recipient able to listen to the content of the message in sender's voice (Col.2, lines 3-28), and wherein the enhancement information includes phonemes enabling the recipient to listen to the content in a synthesized voice of the sender (Col.2, lines 3-28, when a speaker's speech profile is created, the speech data extracted includes the phonemic representation of the speaker or sender's voice). Therefore it would have been obvious to one with ordinary skill in the art at the time of invention to use the method of profiling

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a speaker's voice (in this case, called party and the calling party profiles), as taught by Spies in the method of Tullis et al., because, this would effectively reduce the bandwidth requirements in the field video telephony applications (Col.1, lines 44-65).

### ***Response to Arguments***

4. Applicant's arguments filed 4/18/06 have been fully considered but they are not persuasive. Applicant argues that the references (Tullis et al., in view of Spies et al.) do not teach the method of claims 3 and 4 (now cancelled and rewritten as independent claims 5 and 6). Specifically applicant argues that there is no mention of "phonemes" in either of references. Examiner would like to point out that the "phonemes" are basic units of speech, and any person with ordinary skill in the art would readily recognize that when speech information is extracted to be transmitted, usually speech is converted into phonemic representation of speech data before transmitting the audio file or data.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Vijay B. Chawan  
Primary Examiner  
Art Unit 2654

vbc  
7/8/06

**VIJAY CHAWAN  
PRIMARY EXAMINER**